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SENATE

{ REPORT
{ No. 925

TO ESTABLISH A BOARD OF PUBLIC WELFARE IN THE DISTRICT OF COLUMBIA

JANUARY 22 (calendar day, JANUARY 24), 1925.—Ordered to be printed

Mr. CAPPER, from the Committee on the District of Columbia,
submitted the following

REPORT

[To accompany S. 3017]

The Committee on the District of Columbia, to whom was referred the bill (S. 3017) to create a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes, having considered the same in conjunction with the Committee on the District of Columbia of the House of Representatives, joint hearings having been held for that purpose, report thereon with a recommendation that the bill do pass with the following amendments:

On page 2, line 12, strike out the word "nine" and in lieu thereof insert the word "five."

On page 2, line 16, strike out the word "three," and in lieu thereof insert the word "two."

On page 2, line 17, strike out the word "three," and in lieu thereof insert the word "two."

On page 2, line 18, strike out the words "three persons," and in lieu thereof insert the word "one."

On page 3, at the end of paragraph, line 14, add the following: "All meetings of the board shall be public, unless the aggrieved party shall request a closed session."

On page 4, line 21, strike out the word "And," and insert in lieu thereof the word "Each." Also change the word "superintendents" to the word "superintendent."

On page 4, line 25, after the word "of," insert the words "each of."

On page 5, line 19, beginning with the word "The" strike out the remainder of the section and in lieu thereof insert the following: "The board may recommend to the Comptroller General of the United States, and the Comptroller General may prescribe, so far as practicable, a uniform system of accounts to record receipts and disbursements and to determine comparative costs of operation."

On page 9, after the word "crime," add the following: "Except in the placement of children in institutions under the public control, the board shall place them in institutions or homes of the same religious faith as the parents. Inmates of public institutions shall be given the fullest opportunity for the practice of their religion."

COORDINATION IS THE SINGLE OBJECTIVE

The purpose of this bill is to promote efficiency and economy in the administration of the public welfare activities and institutions in the District of Columbia, by abolishing three existing boards, the Board of Charities, the Board of Children's Guardians, and the board of trustees of the National Training School for Girls, and transferring their powers and duties (including the supervision of the publicly supported penal, charitable and correctional institutions) to a board of public welfare. This board to be unpaid and to consist of six residents of the District, appointed by the District Commissioners for terms of six years.

In order to focus attention upon the single question of coordination of administration, the bill does not alter the existing laws which define the powers and duties of the three boards to be abolished, those powers and duties as they are now set forth in the statutes would be exercised by the new board. If there are any abuses or defects in the welfare legislation of the District requiring attention, they can, and no doubt will, be dealt with in separate measures designed to accomplish specific reforms.

In the same way, no new bureaus or departments under the board are asked for and consequently no additional appropriations for supporting such new bureaus are involved. The appropriations already made for welfare activities and the employees now engaged therein will be transferred to the new board. Authority is given the board to organize the administration of all the activities placed under its direction in such ways as will promote efficiency of operation. The bill provides that the board may nominate, and the District Commissioners appoint, a director of public welfare, who will be the executive and administrator serving under the board's general supervision.

The three boards abolished by this bill are: The Board of Charities, the Board of Children's Guardians, the board of trustees of the National Training School for Girls.

The Board of Charities, created by act of June 6, 1900, consists of five members appointed by the President. It supervises nine institutions which would be placed under the control of the board of public welfare:

The workhouse at Occoquan, Va., where short-term prisoners convicted of minor offenses are kept.

The reformatory at Lorton, Va., for long-term prisoners.

The Washington Asylum and Jail in the District, a place of detention for persons awaiting trial.

The Gallinger Municipal Hospital, in the District, which receives indigent patients needing hospital care.

The Tuberculosis Hospital in the District, which receives indigent tubercular patients needing care.

The Home for the Aged in the District, which cares for the aged.

The municipal lodging house in the District, which provides temporary shelter and care to homeless men.

The Industrial Home School for Colored Children which, while under the general supervision of the Board of Charities, receives all its children through the Board of Children's Guardians, under whose guardianship they have been placed by the juvenile court.

The Home and Training School for the Feeble Minded in Anne Arundel County, Md., to which feeble-minded persons from the District are sent for custodial care.

In addition to its supervision of these institutions, the Board of Charities has other duties which would go to the new board of public welfare. Those duties are as follows:

The board transports nonresident paupers and insane persons to their places of residence; provides medical care for indigent patients and insane persons who are residents; administers per diem payments to the National Training School for Boys to care for boys sent to that institution from the District; administers certain funds appropriated by Congress for special types of care for needy and infirm persons.

The 1925 appropriation for the administrative expenses of the Board of Charities is \$29,140; for the maintenance of the institutions under its control and for the care of persons who are provided for in private institutions or outside of institutions, the sum of \$2,221,850 was appropriated for 1925.

The Board of Children's Guardians, created by act of July 26, 1892, consists of nine members appointed by the District Commissioners. It supervises the Industrial Home School for White Children and sends to that school certain children who are committed to its guardianship by the juvenile court. This school would also be placed under the control of the board of public welfare.

In addition to its supervision of the Industrial Home School the Board of Guardians has the following duties:

It receives and provides for all dependent, neglected, and delinquent children who are committed to guardianship care by the juvenile court, except those delinquent children who are sent by the court to the National Training School for Boys and Girls. The children are placed by the board in family homes for temporary care at board or in permanent free homes or in institutions. The board also provides care for feeble-minded children and assists in the enforcement of laws for the protection of children. All of these duties would be performed by the board of public welfare.

The Board of Children's Guardians received an appropriation for administrative expenses in 1925 of \$46,100; for the board and care of children under its guardianship, \$157,500; and for the maintenance of the Industrial Home School, \$44,440, a total of \$248,040.

The sole function of the board of trustees of the National Training School for Girls is to supervise the Training School for Girls. It consists of seven members appointed by the President on the recommendation of the Attorney General. The school was created by act of July 9, 1888. It is subject to visitation by the Board of Charities, and in fiscal matters is under the control of the District Commissioners. The 1925 appropriation for the school is \$68,500.

This school has been called a national institution; in reality it is more properly regarded as a District agency, because the girls received

are, and always have been, girls from the District committed by the District juvenile court. It is only rarely that a girl is committed from a Federal court outside.

While the title to the land on which the school is located is in the Federal Government, the same is true of several other public institutions which admittedly belong to the District, and it is persuasive that all appropriations made for the purchase of land, construction of new buildings, and for regular maintenance of this institution are and always have been made in the District budget. Moreover, all expenditure of and accounting for funds is made through the District fiscal officers, and the budget of the school is passed upon by the District Commissioners and through them submitted to Congress.

It is believed that delinquent girls coming before Federal courts in various parts of the country are comparatively few in number. Those who are committed can, in most cases, more properly be detained in institutions in the States from which they come. Where care in a Federal institution is necessary the new Federal reformatory for women recently created by Congress can be used. However, even though the training school be placed under the proposed board of public welfare, it may still receive girls committed by Federal courts outside the District on a per diem basis.

The Board of Charities, the Board of Children's Guardians, and the board of trustees for the Training School for Girls are performing duties which are interrelated and which are constituent parts of the single task of caring for the needy, the physically and mentally sick, and offenders against the law. One board with proper departmental organization of the existing facilities and personnel can accomplish with greater efficiency what three boards are now doing.

As the situation now stands these three boards vary in size from five to nine. Two are appointed by the President and one by the District Commissioners. Most of the public institutions are under the supervision of the Board of Charities. The Industrial Home School for White Children, however, is supervised by the Board of Children's Guardians, while the Home School for the Colored is under the Charities Board, but at the same time receives all its children from the Board of Guardians. No sound reasons lie behind this confusion of control. The situation at the Training School for Girls is even more confused. There we have general supervision by the board of trustees and the Attorney General, visitorial power in the Board of Charities, control of budget in the District Commissioners, and regulation of expenditure and audit by the fiscal officers of the District.

The need for unified and coordinated administrative control is obvious. Many of the progressive cities and States of the Nation have already recognized the problem that now faces the District and have passed legislation along the lines of this bill. From the standpoint of Congress, which must appropriate for all this welfare activity, it would mean a great saving of time and energy if it had before it one budget prepared by a single board, covering all welfare requests for the District.

The bill was originally prepared by the commission on public welfare legislation of the District, appointed by the Commissioners of the District of Columbia, an unpaid group of 17 citizens, presided over by Justice F. L. Siddons, of the District Supreme Court, who

have been studying the welfare situation. The commission began its work January 1, 1924. It held two public hearings which were widely advertised in the press, in addition to the mailing of 1,500 notices to interested persons. The commission has been supported by voluntary contributions of citizens and the Russell Sage Foundation loaned the services of Mr. William Hodson of its staff as consultant. The bill was finally approved by the commission on March 27, and was transmitted to the District Commissioners who forwarded the bill to Congress with their approval early in April, after it had been ascertained that the President would have no objection to the provisions affecting his appointing power.

The joint congressional committee having the bill in charge also held a lengthy public hearing on January 10, 1925.

The bill has been indorsed by the Board of Charities and the Board of Children's Guardians, two of the boards which would be abolished by the bill. The board of trustees of the Training School for Girls objects to the placing of that school under the board of public welfare on the ground that the school is a national institution. All the daily newspapers of the city of Washington have indorsed the measure editorially. Some 40 civic and social welfare organizations of the District favor the measure, including the Washington Federation of Churches, the Monday Evening Club, and the Federation of Citizens' Associations. The National League of Women Voters, the Council of Social Agencies of Minneapolis, the Welfare Council of St. Paul, and the Committee on Social Legislation of Chicago have also approved the bill.

No substantial objection to the bill has been offered other than that of the trustees of the Training School for Girls already referred to. A suggestion was made at the congressional hearing that there should be a new department of the municipal government with a single executive in control instead of a board of six persons with a director responsible to it as the bill provides.

The sentiment of the citizens of the District has been markedly in favor of a board rather than a department with an executive responsible directly to the commissioners. Nearly \$2,600,000 are spent annually in the support of welfare agencies and institutions and the sentiment was that so large a sum could be more wisely spent by a director of public welfare with the aid of experienced citizens on the board and under their general supervision and control. There is also something to be said for the contention that it is wiser at this time to secure coordination under a single board of citizens than to abolish all the existing boards and substitute the extreme form of centralization which a department with one-man control involves.

Moreover, it is recognized that public welfare is one of the newer developments in municipal government. It deals with human beings in distress and its work is not so definite and measurable as are for example the police and fire departments. A board can educate a community relative to human needs and can lend the human touch to those who need aid.

JUSTICE SIDDONS'S OPINION

Hon. Frederick L. Siddons, justice of the Supreme Court of the District of Columbia, filed the following statement commenting on

the objections to the bill raised by the trustees of the National Training School for Girls:

Some interest having been expressed by one or more of the members of the joint subcommittee on the District of Columbia, giving consideration to the above-mentioned pending bill, at the hearings held by the committee on Saturday, January 10, 1925, as to the power of Congress to transfer the functions and authority of the board of trustees of the National Training School for Girls to the board of public welfare, proposed to be established by the before-mentioned bill, the following is respectfully submitted:

There is no doubt of the plenary power of the Congress over the subject. As the Congress established the institution known as the National Training School for Girls, so it could at any time abolish it, and so it could transfer its functions and powers to any other agency that it chose to set up in the District of Columbia. In this connection it is to be borne in mind that Congress constitutionally exercises "exclusive legislation in all cases whatsoever" over the District of Columbia. In the exercise of this latter power it has from time to time established forms of municipal and quasi-municipal corporations and agencies, as its agents to perform functions of municipal government, chiefly administrative in character. In exercising this power it has from time to time been necessary for the Congress to direct the acquisition of property to house the various agencies thus set up. Sometimes it has directed that the title to such property should be vested in the United States, and sometimes in the municipal government. But there has never been any settled policy adopted by Congress on this particular subject, and the result is that there are a number of distinctly municipal agencies occupying property, the title to which is in the United States.

The enactment of the pending bill would not involve the slightest necessity for transferring the title and ownership of the property now occupied by the National Training School for Girls, which, I understand, is vested in the United States, either to the municipal corporation or to the proposed public welfare board.

What the pending bill proposes is the transfer to the proposed board of the powers and duties of the board of trustees of the training school, and this because the commission on public welfare legislation, from a study of the legislative history of this school, became convinced that Congress itself had long since concluded that it had become in fact a local institution merely. And for some reason, not entirely clear perhaps, but due in all probability to the rarity of cases in the Federal courts throughout the country, of young girls of the age contemplated in the legislation affecting the school, being convicted of offenses against Federal laws, the school has not been called upon to house such offenders except at very infrequent intervals. The inmates of the school are almost exclusively those sent there by the Juvenile Court of the District of Columbia under the juvenile court act.

I can not emphasize too strongly what I think is the undoubted plenary and exclusive legislative power of the Congress in all kinds of questions and subjects affecting the District of Columbia. This power has been repeatedly sustained by the courts including our supreme tribunal.

There is no constitutional provision that hampers or obstructs the Congress in legislating over governmental matters for the District of Columbia.

Of course the people of the District have secured to them the so-called personal guarantees of the Constitution and the Congress could not constitutionally deprive them of such guarantees or rights, but with respect to questions of administration of government in the District of Columbia, Federal or municipal, the power of Congress is supreme as to the agencies, means, methods, or modes to be adopted in its wisdom, provided only that it does not trespass upon the domains of the other two coordinate branches of government under the Constitution.

In conclusion, I respectfully submit that the pending bill is logical in its structure, and proposes no drastic or radical changes of principle. It deals with what is believed to be municipal as contradistinguished from Federal concerns, and would give to one board the powers and authority now exercised by three.

Respectfully submitted.

F. L. SIDONS,
*Chairman the Commission on Public
Welfare Legislation of the District of Columbia*

APPROVED BY THE DISTRICT COMMISSIONERS

The Commissioners of the District of Columbia are strongly in favor of this legislation, as shown by the following letter:

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 3, 1924.

HON. L. HEISLER BALL,
Chairman Committee on the District of Columbia,
United States Senate.

SIR: The Commissioners of the District of Columbia have the honor to inclose herewith draft of a proposed bill entitled "A bill to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes," and to request its introduction and enactment.

The commissioners have for a long time felt the necessity of a centralized control of matters affecting public welfare conditions in the District of Columbia, and they appointed a commission, consisting of representative citizens of the District of Columbia, to make a study of the existing laws on public welfare and to recommend such legislation as might be necessary to improve existing conditions. This commission has been at work on the matter during the past three months. It has granted hearings to all those interested in the problem, and has made a careful study of the whole subject. In this study it has had the assistance of a representative of the Russell Sage Foundation. The draft of bill which is inclosed is the result of the work of this commission.

There are various boards in the District of Columbia, the members of which are in certain cases appointed by the President, and in other cases by the commissioners. There are a large number of institutions supported by public funds which are subject to varying types of control. In some cases a single institution is under the supervision of as many as three boards. This situation is unbusinesslike and undesirable from every point of view. The tendency of the times is toward consolidation of agencies and unified control thereof both in the interest of efficiency and economy.

In the bill as drafted the Board of Charities, the Board of Children's Guardians, and the board of trustees of the National Training School for Girls are abolished, and the duties of these boards are committed to the proposed board of public welfare. This board is to consist of nine persons, to be appointed by the commissioners for terms of six years, appointments being made in such manner that the terms of three members will expire every two years. The powers of the board are the same as the powers now exercised by the three boards proposed to be abolished, except that the new board has complete and exclusive control of the institutions enumerated in the bill instead of the somewhat limited supervision of the present Board of Charities.

The bill provides for only one new employee, a director of public welfare, who is to be the chief executive of the board and who is to be appointed by the commissioners on the nomination of the board. No persons now employed under existing law are to be legislated out of employment. The following institutions are placed under control of the board: The workhouse, reformatory, Washington Asylum and Jail, Tuberculosis Hospital, Home for the Aged and Infirm, Industrial Home School, Industrial Home School for Colored Children, municipal lodging house, National Training School for Girls, Home and Training School for Feeble Minded, and Gallinger Municipal Hospital.

As the present Board of Charities and the board of trustees of the National Training School for Girls are appointed by the President under the provisions of existing law, the commissioners submitted to the President the question as to whether the transfer of the appointing power to them was agreeable to him. In his reply he stated that he was willing to accept the decision of Congress in the matter.

There is also transmitted herewith a memorandum of statutory citations and explanatory comments, which has been prepared by the Commission on Public Welfare Legislation and which may be useful in explaining each section of the bill and the changes proposed to be made in existing law.

The commissioners hope that this important measure will receive the early attention of Congress.

Very respectfully,

BOARD OF COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
By CUNO H. RUDOLPH, *President.*

